

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

IN RE:
Ceria Bellinger

Case No: 20-20863

Chapter: 13

Debtor(s)

**NOTICE OF MOTION AND MOTION TO AMEND ON LIMITED NOTICE UNCONFIRMED
CHAPTER 13 PLAN SOLELY TO PROVIDE THAT PROPERTY OF THE ESTATE WILL VEST
IN THE DEBTOR UPON PLAN CONFIRMATION**

The debtor moves under 11 U.S.C. §1323 and Local Rules 3015(c) and 9029.1 to (1) amend the unconfirmed chapter 13 plan solely to modify Part 7.1 to provide that confirmation of the plan vests all property of the estate in the debtor, (2) limit notice as provided below, and (3) relieve the debtor of local rule requirements inconsistent with this motion to amend.

1. Unconfirmed plan amended to provide for vesting of estate property in the debtor at confirmation. Part 7.1 of the plan currently vests estate property in the debtor at a time other than plan confirmation. Rather than demonstrate that good case-specific reasons exist for that provision, the debtor by this motion amends Part 7.1 of the plan to provide for vesting of all estate property in the debtor upon plan confirmation. This motion leaves the plan, including any other pre-confirmation amendments, otherwise unmodified.

2. Notice is limited to parties receiving electronic notice and any objection must be filed within 7 days of the date on which the debtor filed this motion. The debtor's request to amend the plan to vest property of the estate in the debtor at confirmation is not expected to have an adverse effect on any party in interest. The debtor makes this limited request to facilitate prompt plan confirmation in light of the Court of Appeals' construction of 11 U.S.C. §1327(b) in *In re Cherry*, 963 F.3d 717 (7th Cir. 2020), to require debtors to demonstrate good case-specific reasons before the court may confirm a plan that provides for estate property remaining in the estate after confirmation. The debtor requests that the court limit

notice of, and the time to object to, this motion as follows: notice is limited to those parties who receive automated electronic notice through the court's ECF system and **any objection to this motion must be filed no later than 7 days after the date on which the debtor filed this motion.**

3. Relief from requirements of Local Rule 3015. The debtor requests relief from Local Rule 3015's requirements to the extent inconsistent with this motion. Allowing the debtor to amend the plan to provide for vesting consistent with §1327(b)'s default provision based solely on this limited-notice motion and without otherwise complying with Local Rule 3015 furthers the just, speedy, and inexpensive determination of this case and justifies modifying that Rule's application as provided in Local Rule 9029.1.

Respectfully Submitted,

/s/ Brett J. Pfeifer
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Dated: August 17, 2020

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NOTICE OF MOTION

To all creditors and parties in interest that receive electronic notice: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the court to consider your views on this motion amending the unconfirmed plan, then on or before seven days after the date on which this motion is filed, you or your attorney must file an objection with:

Clerk, United States Bankruptcy Court
517 East Wisconsin Avenue
Room 126
Milwaukee, WI 53202

in time for its receipt by 7 days after the date of filing of this motion.

If you or your attorneys do not take these steps, the court may decide that you do not oppose the request and may enter an order confirming the amended Chapter 13 Plan.

/s/ Brett J. Pfeifer
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Credit Solutions, S.C.
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Milwaukee, WI 53202
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